



PRESS RELEASE

Massachusetts Supreme Judicial Court Publicly Censures Judge Thomas Estes and Orders Indefinite Suspension Without Pay

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Massachusetts Commission on Judicial Conduct

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BOSTON, MA — On January 18, 2018, the Commission on Judicial Conduct and Justice of the District Court Department, Thomas Estes, filed with the Supreme Judicial Court a Final Submission Upon Agreed

Facts pursuant to M.G.L. c. 211C and Commission Rule 13A on Commission Complaint Number 2017-39.

Complaint Number 2017-39 was filed with the Commission by Chief Justice of the Supreme Judicial Court Ralph Gants and alleged that, from November of 2016 through March of 2017, Judge Estes engaged in an undisclosed sexual relationship with a clinician who was actively working as a member of the Pittsfield Drug Court team over which he presided, Ms. Tammy Cagle. The complaint also alleged that this sexual relationship continued from March of 2017 through July of 2017, after Ms. Cagle was no longer actively working with the Pittsfield Drug Court.

The Commission's investigation of this matter found clear and convincing evidence supporting the above allegations in the complaint. The Commission's investigation revealed evidence that, while Ms. Cagle worked as an active member of the Pittsfield Drug Court team, Judge Estes engaged in four sexual encounters with Ms. Cagle at her home and at least two sexual encounters with Ms. Cagle in his lobby at the Eastern Hampshire Division of the District Court Department. After Ms. Cagle was no longer working with the Pittsfield Drug Court, and had relocated out of state, Judge Estes had a final sexual encounter with her in his lobby at the Eastern Hampshire Division of the District Court Department in July of 2017. Finally, the Commission's investigation revealed evidence that Judge Estes used his official judicial email account to facilitate some of these sexual encounters.

As part of the January 18, 2018 submission, Judge Estes entered into a stipulation, admitting to the Commission's above findings, and also admitting that, through that conduct, he engaged in willful judicial misconduct that brings the judicial office into disrepute, as well as conduct prejudicial to the administration of justice and unbecoming a judicial officer, and violated the Code of Judicial Conduct (Supreme Judicial Court Rule 3:09), by failing to act, at all times, in a manner that promotes public confidence in the independence, integrity, and/or impartiality of the judiciary, and by failing to avoid impropriety and/or the appearance of impropriety, in violation of Rule 1.2; by failing to give precedence to judicial duties, in violation of Rule 2.1; by creating an appearance that he was not performing all duties of judicial office fairly and impartially, in violation of Rule 2.2; by creating an appearance that he was not performing judicial duties without bias or prejudice, in violation of Rule 2.3; by creating an appearance that his judicial decision-making was subject to inappropriate outside influences, in violation of Rule 2.4; by failing to be dignified, and/or courteous to litigants, witnesses, lawyers, court personnel, and others with whom he deals in an official capacity, in violation of Rule 2.8(B); by failing to disqualify himself from a proceeding in which his impartiality might reasonably be questioned, in violation of Rule 2.11(A); by participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality, in violation of Rule 3.1(C); and by making improper use of court premises, staff, stationery, equipment or other resources, in violation of Rule 3.1(E).

On April 24, 2018, the parties appeared before the Court for oral argument relating to the January 18, 2018 submission. At that hearing, the Commission was represented by its Executive Director, Howard V. Neff,

III, and Judge Estes was represented by his attorney, David Hoose, Esq.

By an Order dated May 24, 2018, the Supreme Judicial Court ruled on this matter, publicly censuring Judges Estes and ordering that, effective June 15, 2018, he be suspended without pay indefinitely or until further order of the Court. In its Order, the Court stated, “The sanction we impose is severe not because we seek to punish the Judge severely, but because, like the Commission, we seriously question whether he can command the respect and authority essential to the performance of his judicial function.”

The Court also directed that a copy of its May 24, 2018 Order in this matter be delivered to the Legislature and the Governor and granted the Commission permission to share non-impounded material provided to the Court with the legislative and executive branches.

The Commission’s statute and rules are available on the Commission’s website: www.mass.gov/cjc.

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The Massachusetts Commission on Judicial Conduct (CJC) is the state agency responsible for investigating complaints alleging that a state court judge has engaged in judicial misconduct or has a disability preventing him or her from properly performing judicial duties.

The CJC is also responsible for pursuing, when it is appropriate, remedial action or discipline against state court judges.

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